

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES LITTON,

Defendant.

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CR. NO. 2:19-cr-20083-SHL

MOTION TO DISMISS THE SUPERSEDING INDICTMENT

COMES NOW, Claiborne H. Ferguson, counsel for Defendant, and hereby files this Motion to Dismiss the Superseding Indictment, due to outrageous Government Conduct, to wit, filing an Indictment that adds charges and expands the timeframe of the conspiracy count one business day prior to the start of trial. Counsel has spent the last month, to the detriment of other cases (counsel just filed to continue a federal trial later this month because of no time to prepare) and has noticed the Tennessee Criminal Defense College that he will be unavailable to teach this year. The government failed to properly investigate this case, to the point were prior to indicting the case never tried to speak to Mr. Litton. The indictment is clearly an attempt to force counsel to request a continuance. Counsel demands a trial on the first indictment, and a dismissal of the superseding indictment.

Respectfully submitted,

**The
CLAIBORNE  FERGUSON
Law Firm, P.A.**

294 Washington Avenue
Memphis, Tennessee 38103
(901) 529-6400
claiborne101@yahoo.com

/s/ Claiborne H. Ferguson
CLAIBORNE H. FERGUSON (20457)
Attorney for Defendant

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing document has been served upon all concerned parties, via the Court's electronic filing system, this the 28th day of February 2020.

s/Claiborne H. Ferguson
CLAIBORNE H. FERGUSON